

[FINISHER: Attach standard International Search Report form]

Cited documents

1. Reference is made to the following documents:

D1: 3GPP TS 29.007 V5.7.0 (2003-09)

D2: "Inter-network accounting for BS30 based services
such as video telephony"

NP-030431

T-Mobile, Siemens

TSG-CN, Meeting #21, Frankfurt/Main

17.-19.09.2003

Pages 1-2

Re Item V

Reasoned statement with regard to novelty, inventive step and industrial applicability; documents and explanations to support this statement

A. Certain remarks regarding the International application

Clarity: PCT Article 6

1. Claim 8:

1.1 The present **claim 8** does not meet the requirement of PCT Article 6 with regard to **clarity**, since it defines that the "...information comprises a BC-IE, an LLC-IE or an HLC-IE".

The use of "**or**" appears to be incorrect as far as we can see, since at least the Bearer Capability information element "**BC-IE**" appears to be absolutely necessary in order to achieve the technical object, and only the **LLC-IE** and **HLC-IE** appear to be optional parameters.

Reference is made to page 10, lines 26-30 and page 13, lines 22-28 in the description.

2. **Claim 1:**

- 2.1 In addition, for reasons of clarity (PCT Article 6), the verb "wird" in line 19 on page 16 needs to be changed to "werden" ("*... bei dem ... Informationen ... transportiert und dort zur Verfügung gestellt werden.*").
- 2.2 Similarly for reasons of clarity (PCT Article 6), the phrase "of a destination switching center (2. Visited MSC)" should be inserted in line 8 on page 16 between "*a mobile terminal (4) in the service area*" and "*in a digital mobile radio network*" in order to provide clear identification of the fact that the destination MSC is the MSC on which the mobile station (4) is currently "logged in".

B. **Novelty and inventive step**, PCT Article 33

1. **Claim 1:**

- 1.1 In relation to independent **claim 1**, D1 discloses a "method for backward-signaling of a transmission service which is to be used for a call which is to be set up from a first telecommunication network", with the following features of the present independent **claim 1**:

[1]: - a mobile terminal in the service area of a digital mobile radio network is called from the first telecommunication network (D1, page 22: figure 2, "Incoming Call")

[2] - information fully describing the transmission service which is to be used is negotiated between the mobile terminal and a destination mobile switching center in the digital mobile radio network and is

stored in the destination mobile switching center (D1, pages 20/21; "9.2.2.1 Multi-Numbering Scheme"; "... the UE may negotiate parameters with the MSC ... if the UE proposes to the network to modify the user rate ... in the call confirmed message ..., ... this negotiation takes place by means of the UE reflecting back to the MSC a complete bearer capability information element in the call confirmed message, with the relevant parameters changed ..."; page 22: figure 2, "Call Conf (BC'k)")

- 1.2 The subject matter of independent **claim 1** in the present application differs from the disclosure in document **D1** only in the following feature:

Claim 1 explicitly defines that the information fully describing the transmission service which is to be used is transported using at least one signaling message at least to an access mobile switching center (Gateway MSC) involved in the call which is to be set up, and is made available there (Feature [3]).

In this connection, **D1** reveals the following procedure (see **D1**, page 22: figure 2):

The BC information is signaled back from the UE to the VMSC using a "CALL CONFIRM" message, but the access MSC ("IN-Incoming Call" in **D1**, page 22: figure 2) does not appear to receive any information about the selected BC.

Independent **claim 1** therefore does not meet the requirements of PCT Article 33(2) with regard to **novelty**.

- 1.3 It is obvious to a person skilled in the art that the method presented in **D1** is disadvantageous, since the

access switching center ("Gateway MSC") cannot execute any transmission-service-specific functions (e.g. blocking of particular transmission services, specific billing for particular transmission services, provision of information about the selected transmission service, ...).

- 1.4 On the basis of the closest prior art (**D1**), a person skilled in the art is therefore confronted with the technical object of allowing an access switching center ("Gateway MSC") to receive information fully describing the transmission service which is to be used.
- 1.5 Upon consulting the prior art, a person skilled in the art would come across document **D2**, inter alia, which devoted itself precisely to this technical object even before the priority time of the present application.

Thus, page 1, lines 29-33 and page 2, lines 11/12 of **D2** show that there is currently no way of signaling back service information, such as BS30 video telephony, from a VMSC to a GMSC (**D2**, page 1, lines 30-33, "... there is currently no way that the Gateway MSC could capture video telephony specific information ... due to lack of appropriate signalling between the VMSC and the GMSC ...").

As a solution, document **D2** proposes using unused bits of ISUP messages (e.g. ACM, ANM) for backward-signaling the BC information between VMSC and GMSC (**D2**, page 2, lines 22-25).

Document **D2** therefore discloses precisely the feature **[3]** defined in **claim 1**.

- 1.6 On the basis of the "method for backward-signaling of a transmission service which is to be used for a call which

is to be set up from a first telecommunication network", defined by **D1**, and in the knowledge of the disclosure of **D2**, it would be an **obvious step**, for the reasons above, to a person skilled in the art to transfer the teaching of **D2** to the method known from **D1** in order eliminate the latter's drawback and thus to obtain a method based on the subject matter of **claim 1**.

1.7 The method defined in the present independent **claim 1** **reveals no inventive step** for the reasons stated. Independent **claim 1** therefore does not meet the requirements of PCT Article 33(3).

1.8 For the sake of completeness, the following is also stated:

The remaining difference that, in **D2**, the limited extent of the ISUP message field used there (4 bits) means that it is not possible to transmit the complete BC information but only an "appropriate indication" and, in contrast to this, in **claim 1**,

information fully describing the transmission service which is to be used is transmitted, is **considered minor**. A person skilled in the art would select or create a suitable ISUP message field of sufficient size **without any inventive step**.

2. **Claims 2-8:**

2.1 In addition, dependent **claims 2-8** add **nothing inventive** to the claims to which they refer (PCT Article 33(3)), since the features contained therein are disclosed either by **D1** or **D2**, can be derived directly from these documents or else are based on obvious features without any great significance:

a) **Claim 2**

D1, page 20, "9.2.2 Network Interworking Mobile terminated PSTN originated"; page 22: figure 2

b) **Claims 3-5:**

D2, page 2, lines 22-25

see also the comments under item 1.8

c) **Claim 6:**

D2, page 1, lines 29-33

"individual subscriber charging" is discussed in GMSC

d) **Claim 7:**

Obvious feature without great significance, which is part of the general technical knowledge of a person skilled in the art

e) **Claim 8:**

D1, page 43: figure 9, "Call Conf. (BC"gj, LLC, HLC)"

2.2 Dependent **claims 2-8** therefore do not meet the requirements of PCT Article 33(3).

C. Certain defects in the international applicaton

1. If changes are submitted - e.g. in a PCT II - or regional phase - the following should be noted:

1.1 New independent claims should be worded in the two-part form pursuant to PCT Rule 6.3 b).

1.2 The description should be matched to the new claims (PCT Rule 5.1(a)(iii)).

1.3 To make it easier to examine altered application documents with regard to PCT Article 34(2) b), the applicant is

requested to give a clear indication of the changes made, regardless of whether they are changes resulting from addition, replacement or deletion, and to specify those points in the originally submitted application on which these changes are based (see also PCT Rule 66.8 a)).

It is also pointed out to the applicant that, pursuant to PCT Rule 66.8 a), the examiner is not permitted to make any changes, however slight, during the PCT process.